App F IX 4

195 52-53
(C M)

File No G-52

Serial Nos 109, 110

Previous References
C M Dep NO 61/52
ME 23-46-110
C M 36-52-6
C M 7-49-58
~~Later References~~
ME 22-145-107
CM 4-55-21, 22, 25

GENERAL AND REVENUE SECRETARIAT

Serial Nos 2 P-14/E1

Part B for March 53

SUBJECT

Acquisition of portion of S No 302, Vada Kempapur Agrahar, for formg Sites to the Harijans of Gopalapura

WD 0142 —GPB—25 000—1 9 1952

R 22300/9 28-3-53

The Compulsion Mys Gazette Notifies.

C 425/4

2914/ml

Dropping the acquisition on portion of S No 302, Jode Kempapur Agrahar

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Copy of Letter No S L A 1, S/47-48 dated 11.7.1952 from the Commissioner Corporation of the City of Bangalore forwarding the further Resolution dated 23.6.52 of the Corporation rescinding the previous Resolution dated 7.3.51 to drop the acquisition

I regret to submit that the original communication of the Commissioner on the subject received in the Branch is mislaid and lost Though the Branch Diary shows the paper to have been first referred to the Trust Board Section on 17th July 1952 and to the Corporation Section thereafter on 23rd July 1952, the personal Diary maintained in the Corporation Section by the Second Division Clerk bears no entry in it for the receipt of this particular paper A thorough search of the Section made for the past ten days to get at the paper was not productive of any result - A copy of the letter was un-officially obtained from the Corporation Office to see if any clue could be had to its tracing, but to no avail It appears (this is an humble suggestion of possibility) the paper might have got mixed up in some other file at some stage without a possibility of its immediate location I further crave indulgence and pardon for having un-officially obtained a copy of the letter from the Corporation office in the circumstances set out above

2 The Branch Superintendent gave me instructions to take further action on the copy of this letter pending investigation into the cause of the loss of the original paper to avoid further delay Accordingly this case has been note

2914/Jnl

Dropping the acquisition portion of S.No 302, Jodi Kempapur Agrahar

upon

3 Municipal collection Ml 23-46 (Serials 108-110) sanctioning the acquisition of survey Numbes 1 and 302 of Jodi Kempapur Agrahar in Bangalore North taluk is put up for reference Flag 'Q'

4 In Government Order No L 14469-72/Ml 22-45-106 dated 28th June 1946 the acquisition of survey Numbers 267 in the same area was sanctioned(collection put up) Flag

5 The above properties were ordered to be acquired for forming sites for the Harijan residents of Gopalapuram

6 After the issue of the above orders, on the preposition of Sri M.V Veerappa, the erstwhile Bangalore City Municipal Council resolved on 14th August 1948 to drop the acquisition proceedings on survey No 267.

7 Apart from this, ~~where~~ others sites were being marked in survey Numbers 1 and 302 certain interested parties put in their objection to the acquisition of ~~the~~ this property also The entire file was called for from the Municipality to decide the matter, and orders were issued in No L 3294/Ml 24-48-15* dated 28th September 1948 to proceed with the acquisition rejecting the objections Collection with Flag- Rule 6 Cancelled

8 Consequent on the issue of the above orders in respect of survey Nos 1 and 302 the resolution dated 14th August 1948 of the City Municipal Council to drop the acquisition on survey No 267 was also vetoed in No L 6309 dated 10th December 1948* flag "X"

9 The City Municipal Council again ~~pa~~ pressed for dropping the acquisition of Survey No 267 by a further resolution dated 24th January 1949 This was again vetoed in No L 7883/CM 7-49-~~56~~ 55 dated 24th January 1950 flag "R"

10 A little time after the City Municipal Council passed a resolution for the third time on 2nd August 1949 recommending

2914 pml

Dropping acquisition on portion of S no 302, Jodi Kempapur Agrahar

that the acquisition in respect of seven sites comprising an area of 9 75 guntas in survey No 302 may be dropped The Commissioner sent this resolution to Government for sanction in his No S L A5 47-48 dated 5th December 1949

11 While this question was under examination, a further resolution dated 20th April 1950 of the Corporation which by then came into existence, reiterating the previous resolution of the erstwhile Bangalore City Municipal Council and recommending again the dropping of the acquisition on Survey No 267 was also sent up for approval on 24th June 1950.

12 The then Minister ordered the putting up of both the cases for spot inspection The Minister inspected the spot on 2nd November 1950 and passed the following order in respect of both the cases

I have inspected the spot along with the Mayor, Commissioner, Executive Engineer, and the Health Officer of the Corporation on 2nd November 1950 The grounds urged in the resolution to drop the acquisition are not convincing The spot in question is very adjacent to the present Harijan Colony The number of sites that will be available is not so important as the suitability of the place If they require more sites after acquiring the one in question, that could be dealt with separately The Harijans of that colony who were present at the time of spot inspection urged the need der the acquisition of the same land Therefore, I am convinced after spot inspection that the resolution of the Corporation to withdraw the acquisition is not based on substantial grounds and hence the acquisition need not be withdrawn

13 The above orders were duly concurred in No L 12804/CM 6-50-63 dated 17th March 1951* and No L 5199 dated 21st August

2914/ml

Dropping the acquisition on portion of S.No 302, Jodi Kempapur Agrahara

The Corporation after this once again made a recommendation to drop the acquisition on portion of survey No 302 in its resolution dated 13th November 1951 and this was also turned down in this office letter No L 953 dated 15th April 1952. flag C

(14) Subsequently the Corporation inspected the spot and resolved at its adjourned meeting held on 5th October 1951 that out of the acquired area of 26-15 guntas in survey No 267, a bit of land measuring 60' x 25' facing the Magadi Road be left over to the owner of the land. This was approved in Notification No L.2695/CM.36-52-6 dated 28th May 1952 flag B

15) The Commissioner now reports in his present letter that when the order dated 15th April 1952 regarding survey No 302 was placed before the Corporation on 23rd June 1952 for information, they again did not accept the decision of the Government but reiterated the previous resolution of the Corporation dated 13th November 1951 to drop the acquisition proceedings on the portion of the land measuring 9 63 guntas (previous extent mentioned was 9-75 guntas) in question. He therefore requests revised orders of Government for withdrawing the acquisition proceedings on the portion of survey No 302 comprising an area of 1,166⅔ sq.yds out of the total extent of 2 acres and 18 guntas acquired and to deduct the value of the said portion out of the total award amount and to modify the original award accodingly It may be pointed out in this context that an exception has been taken in the Law Department for such modification of the award by a simple rule of three and this is a point on which the opinion of the Law Secretary may be necessary.

16) It has to be submitted in this connection that as no new factor has come into picture, this repeated reference to Government on the same subject inspite of specific orders of Government that too after spot inspection twice by the two previous Ministeers is not easy to understand except on the basis that the corporation after the higher status and power conferred

Dropping of acquisition of portion of S. No 302/1 Jodi Koorpapur Agrahar

by the new Law is more confident of being able to muster greater pressure to make the Government agree with all their recommendations, whether they be feasible or justifiable

(7) The frequency with which this question is coming to be referred to an the specious plea of the portion (survey No 302) having been sold as sites already by the owners and which covers no new ground appears rather surprising as this only an element for consideration in the determination of the compensation When once the acquisition proceedings are taken, it will create in the Corporation an indefeasible right to the property, all previous acts, tenure, title or right of whatever nature being expunged with it While the difficulty of the Corporation on the legal side may not thus carry connection, their case on the moral plane in preferring for favour property owners to poor Harijans who are to be given sites in the area may be still less supportable

(8) Secy for orders

Secy 25/8/52 'I & As' regards Para 1, Seperate action 25/8/52 action is taken and the explanation of the Concerned officials has been called for to fix up the responsibility in misplacing the paper for every paper that is not attended promptly the usual reply in the Secretariat is that the paper was misland The letter of the Comr was received on 11.7.1952 and for one month and 15 days, it was not taken up and attended to the the Secretariat Manual lays

lays down that the papers must be attended to within a week from the dates of their receipt

2) As regards the subject matter at issue re withdrawing from acquisition a Portion of S No 302 of Doddi Kempapura, Some Confusion seems to have set in There are 3 files dealing with S No 206 of Doddi Kempapura Agrahar There are two files dealing with S No 302 All these 5 files are placed below File No 23-46

Dropping the acquisition on the portion of S No 302
Jodi Kempapura Agrahara 29.11.61

deals with the ~~Rejection~~ Acquisition of a Portion
S Nos 302 and 7 Jodi Kempapura file No 4003/A
of 59 deals with the dropping of "acquisition
proceedings in respect of 7 acres in S No 302
While this file was submitted for orders" the
Hon Minister, passed order stating that this
may also be put up along with the other file
which is put up for spot inspection Vide Para
3a Then this file was returned back with
the following observation Vide order on the other
file (Underlined) R C 5-1-1951)

2) The other file containing order dated 5-1-51
is that file which deals with S No 267 of Jodi
Kempapura Whether the Hon Minister inspected
S No 267 or S No 302 cannot be made
out from the order passed in file relating to
S No 267 ~~and~~ the absence of clearer orders
~~must be presumed that~~ ~~which~~ was S No 267
~~that was inspected~~ After words orders were
Communicated ~~that~~ ~~it~~ was not possible to
understand from, acquiring the portions of S Nos 267 and 302

of the acqn on portion of S no 302
Kempapura Agrahara Yelahanka
vide Para 25 of File No. 36-52 The Paras
Succeeding 25, deal with both the S nos 267
and 302 On a further representation
of the corporation, orders were passed withdrawing
from acquiring portion of land measuring 65'x25'
from the total extent of 26 15 guntas in S No 267
(vide Flag B) Now the request is for withdrawing
from acquisition of 7 sites in S no 302
The Corporation is repeatedly urging for withdrawal
of a portion in S no 302. This is a case
which may require the Spot inspection
of the Hon Minister, as an extent of 9 63 guntas
is involved in this Proposal and the withdrawal may
cause inconvenience to the Hanfan residents of locality

2618

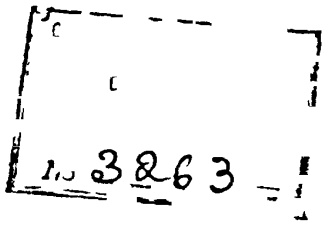
Secy
dsq) It is best that a Spot inspection
of the place is done and orders passed. The grounds
are made out for withdrawing from the acquisition
already sometimes ago we have
to withdraw from a portion of the land which
is acquired now we must issue a notice
withdrawing from the acquisition of the entire
land and make a fresh notification in
respect of the property to be acquired. All
this will mean wastage of time work which
had till now been done Orders may

Dropping the acqn on portion of S No 302
Sodi Kempapuri Agraharam 24/11/52

9 -

therefore be passed after a spot inspection of
the above

Note for D S & Dp H.) 27/8/52 24/11

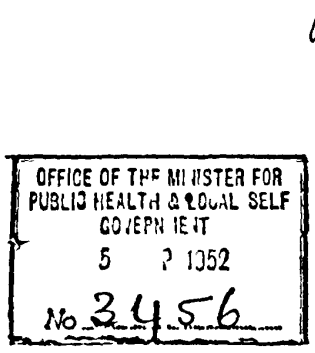


23) I shall inspect the spot
27
30/8/52
2/9/52
219

24) Resolution for giving a Revolver
Sale and Case to Shri ABC Ag Corporation
as token of Govt appreciation of his Services

Ags 3/9/52
DS 4/9

Personal Assistant
to Hon Minister
for D S & P



I inspected the portion of -
S No 302 C, said to measure 9.63 guntas)
in respect of which the Corporation has
been repeatedly urging for release from
acquisition, with the Hd Commr on 13.5.53
As the land has not been formally taken
possession of - by the Corporation, I agree
to the proposal of the Corporation to
withdraw from acquisition of the said
portion 13.53 28/5/53

Proposing the acqn on portion of S No 302
Jode Kempapur Agrahar 29 14 1/2 ml

29 14/2 ml 10

Off sketch & plan drawing a portion from acquisition of patta for approval -

Osme
12/3/53

Clee
12/3/53
Osme
12/3
11.1.12

To the Compiler

Copy comm corpn Bdre
L 22300/eff 6-52-110 dated 28-3-53

Vali-bes

B
28/3/53

9/4
9/4

2914/52

CORPORATION OF THE CITY OF BANGALORE

No S L A 5/47-48

CORPORATION OFFICES
BANGALORE
Dated 20th August 1952

FROM

THE COMMISSIONER
CORPORATION OF THE CITY OF BANGALORE
BANGALORE

To

The Secretary to the Government of Mysore,
Local Self Government Depa rtment,
Bang alore

SIR

CM 6-52-109

Subject Acquisition oi portion of survey No 302, Jodi Kempapur Agrahar, for forming sites to the Harijans of Gopalapur

****

With reference to the above, I write to state that when the Govt Order No L 953 dated 15-4-52 was placed before the Corporation at their meeting held on 23-6-1952 f or information, they again did not accept the decision of Government but reiterated the previous resolution of the Corporation dated 13th November 1951 and resolved to drop the acquisition p roceedings on the portion of the land to an extent of 9 63 guntas in question A copy of the said resolution is herein enclosed for favour of kind reference

In the above circumstances, I request that revised orders of Government may kindly be obtained for withdrawing the acquisition proceedings on the portion of S No 302 comprssing an area of 1166 2/3 sq yards or 9 63 guntas, out of the total extent of 2 acres and 18 guntas acquired and also to deduct the value of the said portion out of the total award amount of Rs 4226-4-0 and to modify the original award accordingly The draft withdrawal notification forwarded with this office letter No S L A Nos 5/47-48 dated 30-1-52 may kindly be got published in the gazette

Forwarded with compliments

Yours faithfully,

(Sd) B V Lankappa,
MAYOR

(Sd) B M Abu Baker,
COMMISSIONER

"Copy"

No L. 22300/ LCM 6-52 ~~Hoo~~ 110

Dt 28/3/53

Notification

In exercise of the powers conferred by Sec 6 Sub (1) of Sec 48 of the Mysore L A Act, 1894 (Mysore Act VII of 1894) I do hereby withdraw from acquisition an area of 1166 3/3 Sq yds or 963 Gunthas out of the total extent of 2 acres and 18 G of lands in S No 302 Shanthi Nagar Layout Extension as per G O No L 939-ur/ml 23-46-109 dated 14/7/1947 and in respect of which notification No L 943/ml 23-46-110 was published in part III - Sec 2 of the Mysore gazette dated 7/8/1947 as the said portion is not required now

× × × ×

By order and in the name of the Rajpramukh

Sd/- K S G Sastry
for Chief Secretary
12/3/53

To
The Controller Mysore gazette

The date of the gazette was ascertained from the P A to the Commr as copies of gazettes for that period was found to be not available in the Govt Records
26/3/53

Received 27/3/53 at 4.25 PM

GOVERNMENT OF MYSORE

Mysore Govt
~~General and Revenue~~ Secretariat

No L 22301/K M C-52-LCO *Dated Bangalore* 28 Dec 1953

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 43 of the Mysore Land Acquisition Act, 1894 (Mysore Act VII of 1894) His Highness the Rajpramukh hereby withdraws from acquisition an area of 1166 2/3 sq yds or 9 63 guntas out of the total extent of 2 acres and 18 guntas of lands in S No 302 specified below sanctioned in Government Order No L 939-42/L 23-46-109 dated 14th July 1947 and in respect of which notification No L 943/L 23-46-110 was published in Part VII-Section I of the Mysore Gazette dated 7 8 1947 as this portion is not required now:-

District: Bangalore
City Bangalore North Taluk Kasaba
Division III
Street Jodi Kempapura Agrahara Village, Vadi Road

Name of Khatedar or Owner	S No	Extent now required Vacant sites, houses etc	Length in ft	Breadth in ft	Boundaries East	West	North	South
Do Chowdappa, Channaiah, Krishnappa, T Chinnappa, Uniyappa, K Chandanmal, B Vasudeva Rao	Portion of 1	Open land	-	20	L B Hospital compound	S No 302 portion	S No 302 portion	Pallam
Pandi Boramma, Thoti Erammiappa, Uniyappa, G Ramaiah, Purubaran, Hilarappa, Pandappa, Channamalliah, Linguiah	Portion of 302	Open land	2	18				

By Order and in the name of
the Rajpramukh,

(sd)
(V Hanumanthappa)
Asst Secretary to Govt
Local & Planning Departments

To
The Compiler, Mysore Gazette, for publication in Part III-2 of the Gazette

Memo No L 22301 Dt 28/3/53

Copy of the above is forwarded to the Commissioner, Corporation of City of Bangalore, for information, with reference to his letter No [illegible] 47-48 dated 11-7-52

AS 5.21/3

By
Asst Secretary to Govt
Local & Planning Department
~~Asst Secretary to Government~~

GOVERNMENT OF MYSORE

Mysore Govt Secretariat,
General and Revenue Secretariat

No L 22301c M 6-52-110 *Dated Bangalore 28 March 1953*

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 48 of the Mysore Land Acquisition Act, 1894 (Mysore Act VII of 1894) His Highness the Rajpramukh hereby withdraws from acquisition an area of 1166 2/3 sq yds or 9 63 guntas out of the total extent of 2 acres and 18 guntas of lands in S No 302 specified below sanctioned in Government Order No L 939-42/RI 23-46-109 dated 14th July 1947 and in respect of which notification No L 943/RI 23-46-110 was published in Part III-Section I of the Mysore Gazette dated 7 8 1947 as this portion is not required now:-

District Bangalore
Bangalore North Taluk Kasaba
Division III
Out Jodi Kempapura Agrahara Village, Tagadi Road

S/S	Name of Khatedar or owner	S No	Extent now required Vacant site, house etc	Length in ft	Breadth in ft	Boundaries East	West	North	South
1	Chowdappa,	Portion of 1	Open land	-	20	S D hospital compound	S No 302 portion	S No 302 portion	Halla
2	Channaiah								
3	Krishnappa								
4	T Chinnappa								
	Muniyappa								
	R Chandanmul								
	B Vasudeva Rao								
	Pandi Boranna	Portion of 302	Open land	2	18				
	Thoti Erammiappa								
	Muniyappa								
	G Ramaiah								
	Kurubaiah								
	Milarappa								
	Pandappa								
	Channamalliah								
	Lingaiah								

By Order and in the name of
the Rajpramukh,
(Sd)
(V Hanumanthappa)
Asst Secretary to Government,
Revenue & Planning Departments

To
The Compiler, Mysore Gazette, for publication in Part III-3 of the Gazette

memo No L 22301 R 28/3/53

Copy of the above is forwarded to the Commissioner, Corporation of the City of Bangalore, for information, with reference to his letter No S L 5-48 dated 11-7-52

for Asst Secretary to Government